

1980

## c 119 The City of Ottawa Act, 1980 (No. 2)

Ontario

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## CHAPTER 119

## An Act respecting the City of Ottawa

*Assented to December 12th, 1980*

**W**HEREAS The Corporation of the City of Ottawa, hereinafter called Preamble  
the Corporation, hereby applies for special legislation in respect of  
the matters hereinafter set forth; and whereas it is expedient to grant the  
application;

Therefore, Her Majesty, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as follows:

1. The authority and power of the Board of Commissioners of Police Certain powers  
of Board of  
Commissioners  
of Police vested  
in council  
R.S.O. 1970,  
c. 284  
for the City of Ottawa to pass by-laws under paragraph 3 of subsection 1 of section 381, paragraph 14 of section 383, paragraph 1 of section 385 and section 386 of *The Municipal Act* is hereby vested in the council of the Corporation.
- 2.—(1) Where the council of the Corporation has the authority under *The Municipal Act* or *The Planning Act* to direct or require by Collection  
of expenses  
incurred by  
Corporation  
R.S.O. 1970,  
cc. 284, 349  
by-law or otherwise that any matter or thing be done and that in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, the Corporation shall have a lien for any amount expended by or on behalf of the Corporation and for an administrative fee, which administrative fee shall not exceed the reasonable administrative expenses of the Corporation, and the certificate of the clerk of the Corporation as to the total amount expended shall be admissible in evidence as *prima facie* proof of the total amount expended and such total amount together with the administrative fee shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.
- (2) Before the certificate of the clerk of the Corporation is issued Interim  
certificate  
under subsection 1, an interim certificate shall be delivered to the owner of the property that is subject to the lien, as well as to all prior mortgagees or other encumbrancers and the affected owner, mortgagees or other encumbrancers

shall have two weeks from the date of receipt of the interim certificate to appeal the amount shown thereon to the council of the Corporation.

Collection of  
loans  
R.S.O. 1970,  
c. 549

- (3) Where the council of the Corporation has the authority under *The Planning Act* to provide for the making of loans to the registered owners or assessed owners of land to pay for,

(a) the whole or any part of the cost of repairs required to be done; or

(b) the clearing, grading and levelling of the lands,

on such terms and conditions as the council of the Corporation may prescribe, the Corporation shall have a lien for any amount loaned by or on behalf of the Corporation and for an administrative fee, which administrative fee shall not exceed the reasonable administrative expenses of the Corporation incurred in connection with the loan, and the certificate of the clerk of the Corporation as to the total amount loaned shall be admissible in evidence as *prima facie* proof of the total amount loaned and if default is made with respect to any of the payments, as prescribed, the whole of the balance of the loan, together with accrued interest thereon at the time of default, becomes due and payable forthwith and the amount of such balance including interest and including so much of the administrative fee as remains unpaid shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

1960 c. 161,  
s. 151,  
re-enacted

3. Subsection 5 of section 3 of *The City of Ottawa Act, 1960*, being chapter 161, as enacted by section 1 of *The City of Ottawa Act, 1965*, being chapter 163, is repealed and the following substituted therefor;

Pedestrian  
promenade  
authorities

(5) The council of the Corporation may, by by-law, establish one or more pedestrian promenade authorities and may entrust to an authority the construction, maintenance, control, operation and management of one or more pedestrian promenades within the City of Ottawa as set out in the by-law.

Interpre-  
tation

(5a) In subsections 6 to 10, "Authority" means a pedestrian promenade authority established under subsection 5 or a predecessor thereof.

Dog waste

4. The council of the Corporation may, by by-law, provide that each person having control of a dog shall remove forthwith any faeces left



by the dog on a highway or in a public park in the City of Ottawa, or on any land or class or classes of land in the City of Ottawa and the council may exclude from the operation of the by-law such class or classes of persons as may be set out in the by-law.

- 5.—(1) The council of the Corporation may, by by-law, provide that any driver or owner of a motor vehicle parked or left on any property, including property owned by the driver or owner, contrary to the parking provisions of a zoning by-law or restricted area by-law passed under *The Planning Act* is guilty of an offence. Enforcement of parking provisions of a zoning by-law  
R.S.O. 1970, c. 349
- (2) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this section, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent. Idem
6. Notwithstanding any general or special Act, the council of the Corporation may pass by-laws, where it has the authority and power to license trades, callings, persons or things, to fix an annual licence fee to be paid for the licence in such amount as may be set out in the by-law which amount shall not exceed the reasonable cost of issuing and administering the licences. Annual licence fees
- 7.—(1) In this section, Interpretation
- (a) "business" includes the sale of goods, wares or merchandise on an intermittent or one-time basis;
- (b) "itinerant seller" means a person who goes from place to place or to a particular place with goods, wares or merchandise for sale by retail, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are delivered in the City of Ottawa afterwards, but does not include a person who sells to wholesale or retail dealers in similar goods, wares or merchandise. By-laws may be passed licensing, regulating and governing itinerant sellers
- (2) The council of the Corporation may pass by-laws for licensing, regulating and governing itinerant sellers. Idem
- (3) For the purposes of subsection 2, the power to license, regulate and govern itinerant sellers includes,
- (a) the power to prohibit the carrying on of or the engaging in the business of itinerant seller without a licence;
- (b) the power to define a class or classes of itinerant sellers and to separately license, regulate and govern each of

such class or classes, or to specify that any of such class or classes shall not be subject to the provisions, or to any particular provision, of the by-law;

- (c) the power to regulate the hours of operation of the business of itinerant seller;
- (d) the power to regulate, govern and inspect the vehicles used in connection with the carrying on of the business of itinerant seller;
- (e) the power to fix a licence fee, which may be of different amounts for different classes as provided for under clause *b*;
- (f) the power to fix the time for which the licence shall be in force;
- (g) the power to suspend or revoke a licence after a hearing and subject to the provisions of section 242*b* of *The Municipal Act*; and
- (h) the power to prohibit and regulate the locations where the itinerant seller may carry on his business.

R.S.O. 1970,  
c. 284

Application  
of  
R.S.O. 1970,  
c. 82

Production  
of licence  
on demand

Power of  
arrest

Refunds

Dog  
guide:

- (4) A licence may be required under a by-law passed under this section, notwithstanding that the applicant is registered as an itinerant seller under *The Consumer Protection Act*.
- (5) The licensee shall at all times while carrying on his business have his licence with him and shall upon demand exhibit it to any provincial offence or peace officer, and if he fails to do so is guilty of an offence, unless the same is accounted for satisfactorily, and on conviction is liable to a fine of not more than \$200.
- (6) If a peace officer demands the production of a licence by any person to whom the by-law applies and the demand is not complied with, the peace officer has the power to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to the law.
- (7) Where a licence granted in respect of a business is revoked and a fee has been paid for the granting thereof, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which the licence was granted.

8. The council of the Corporation may pass by-laws for exempting dog guides from any provision of a by-law passed by the council of the

Corporation respecting dog licences, subject to such terms and conditions as may be set out in the by-law.

- 9.—(1) After a day to be named by a by-law passed by the council of the Corporation, no person shall undertake a development that is an industrial or commercial building or a residential building containing twenty-five or more dwelling units in an area designated under subsection 2 of section 35a of *The Planning Act* unless the person first files with the clerk of the Corporation a statement, with plans, specifications and calculations, disclosing the expected energy consumption of the development.

Energy  
statements

R.S.O. 1970,  
c. 349

- (2) For the purposes of subsection 1, "development" means a development as defined in subsection 1 of section 35a of *The Planning Act*.

Interpre-  
tation

10. Subsection 5 of section 8 of *The City of Ottawa Act, 1966*, being chapter 179, is repealed and the following substituted therefor:

1966, c. 179,  
s. 8 (5),  
re-enacted

(5) Any such agreement containing a description of the lands affected sufficient for registration shall be executed by all prior mortgagees or other encumbrancers to postpone their encumbrance in favour of the said agreement and such agreement may be registered in the proper land registry office and, when so registered, the amount payable under such an agreement until paid shall be a lien upon the lands described therein and if default is made with respect to any of the payments, as prescribed, the whole of the balance of the payments, together with accrued interest thereon at the time of default, becomes due and payable forthwith, and the amount of such balance, including interest, shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, there shall be registered in the proper land registry office against such lands a certificate of the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

Lien on  
land when  
certificate  
of clerk  
registered

11. Subsection 6 of section 6 of *The City of Ottawa Act, 1977*, being chapter 96, is repealed and the following substituted therefor:

1977, c. 96,  
s. 6 (6),  
re-enacted

(6) Any agreement made pursuant to subsection 2 containing a description of the lands affected sufficient for registration shall be executed by all prior mortgagees or other encumbrancers to postpone their encumbrance in favour of the said agreement, and such agreement may be registered in the proper land registry office and,

Lien on  
land when  
certificate  
of clerk  
registered



when so registered, the amounts payable under such an agreement until paid shall be a lien upon the lands described therein, and if default is made with respect to any of the payments, as prescribed, the whole of the balance of the payments together with accrued interest thereon at the time of default becomes due and payable forthwith, and the amount of such balance, including interest, shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes, and, upon payment in full of the moneys to be paid under the agreement the clerk of the Corporation shall at the request of the owner of the land or other person entitled under such an agreement, provide a certificate in a form registrable in the proper land registry office on the title of the affected lands, certifying that all moneys due under the agreement have been paid.

Commence-  
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is *The City of Ottawa Act, 1980* (No. 2).